

California Regional Water Quality Control Board  
Santa Ana Region

April 30, 2004

ITEM: 20

SUBJECT: Status of Efforts to Require Suspected Dischargers to Investigate  
Perchlorate Pollution in the Rialto, Colton and Chino Groundwater  
Subbasins

DISCUSSION:

At the March 12, 2004 Board meeting, staff reported that, pursuant to Section 13267 of the California Water Code, the Executive Officer had issued a total of twenty-one Investigation Orders to suspected dischargers and property owners regarding the perchlorate pollution in the Rialto, Colton and Chino Groundwater Subbasins.

Identified below is the status of the investigations for those suspected dischargers that have conducted activities or communicated with staff since the last Board meeting:

Ken Thompson, Inc. (Rialto Concrete Products, Inc. property)

Ken Thompson, Inc. is the owner of property in Rialto (approximately 36 acres) that was originally owned and occupied by a former fireworks company, Pyrotronics Corporation. The property is currently occupied by Rialto Concrete Products, Inc. Evidence indicates that Pyrotronics manufactured, handled, tested and stored fireworks containing perchlorate salts at the property during the 1970s and 80s. The property is a portion of the southern area of the former 160-acre West Coast Loading Corporation/Goodrich property. A former burn pit, utilized historically by Pyrotronics, Apollo Fireworks, Pyro Spectaculars, Goodrich Corporation, and other former site occupants, is located on the Thompson property. Ken Thompson, Inc. has been ordered to conduct a soil and groundwater investigation of the property, and submit a report to the Executive Officer. The work plan for this investigation was originally March 15, 2004; however, Mr. Thompson requested an extension of this deadline. Board staff met with Mr. Thompson in March 2004 to discuss the site history, and to coordinate site access for investigation of the former burn pit by other suspected perchlorate dischargers. At the meeting, Board staff agreed to extend the deadline for Mr. Thompson's investigation. An extension approval letter will be issued by the Executive Officer.

Pyro Spectaculars, Inc.

Pursuant to a 13267 Investigation Order, Pyro Spectaculars, Inc. was required to conduct a soil and groundwater investigation at its Pyro Spectaculars and Astro Pyrotechnics facilities, and its former burn pit/disposal site (see discussion above, regarding the burn pit). Initial results of soil sampling at the Pyro Spectaculars facility did not indicate the presence of perchlorate or other contaminants in the soil. However, high concentrations of perchlorate (up to 32 parts per million) were detected in the soil at the Astro Pyrotechnics facility. Additional investigation is necessary at the 5-acre Astro Pyrotechnics facility. (The Astro Pyrotechnics facility is the subject of Items 18 and 19 on this agenda.)

The Executive Officer has approved a work plan for a soil investigation by Pyro Spectaculars at its former burn pit, located south of the Pyro Spectaculars facility. This investigation was required by the Executive Officer's 13267 Investigation Order. The consultant for Pyro Spectaculars is currently mobilizing to conduct the soil trenching and sampling activities at the former pit. The final report for this filed investigation is due on June 9, 2004.

Mr. Wong Chung Ming, Property Owner

On October 23, 2003, Mr. Wong submitted a draft work plan for investigation of the 62-acre property that is currently leased and occupied by APE – West and Pyro Spectaculars, Inc. Mr. Wong's property is a portion of the former 160-acre Goodrich and West Coast Loading Corporation site. Field work was completed in March, and the final report was due to the Executive Officer by April 1, 2004. The project consultant has requested an additional 30 days for submittal of the final report. Staff will provide an update to the Board regarding the status of the investigation report at the April 30 meeting.

County of San Bernardino

Pursuant to the Regional Board's January 2003 Cleanup and Abatement Order (CAO), the County of San Bernardino completed the most recent phase of its perchlorate investigation and submitted the report to Board staff on October 15, 2003. The Executive Officer's response to the report, including written comments provided by the Inland Empire Perchlorate Regulatory Task Force members and their consultants, was sent to the County on January 15, 2004. The response required the County to submit a work plan and a schedule for another phase of groundwater investigation, to develop a conceptual groundwater model and to prepare a conceptual remedial action plan. The County submitted the required work plan for installation of six additional groundwater monitoring wells, and a proposed schedule for groundwater remediation, in February 2004. The Executive Officer approved the well installation work plan in March. The County is finalizing the drilling contract, and field work is expected to commence at the end of April 2004.

Zambelli Fireworks

Field work at the former Zambelli bunker site was completed in March 2004, pursuant to a 13267 Order. The final report is due in April 2004.

Kwikset Corporation/Emhart Industries, Inc./Black & Decker (former West Coast Loading Corporation)

Pursuant to a 13267 Investigation Order, a work plan for a perchlorate investigation at the former West Coast Loading Corporation (WCLC) facility was due from Emhart Industries, Inc. on November 22, 2002. Emhart/Black & Decker submitted a Petition for Stay and for State Board Review of the 13267 Order. The State Board dismissed the Stay request on December 18, 2002. The State Board dismissed the Petition for Review on July 7, 2003.

On August 6, 2003, Emhart filed a Petition for Writ of Mandate in the State Superior Court, Riverside County, seeking an order to invalidate the Executive Officer's 13267 Investigation Order. A scheduling conference was held in Riverside Superior Court on March 25, 2004, regarding the Emhart petition. The Emhart petition is scheduled to be heard by Judge Tranbarger on July 30, 2004.

In addition, the Kwikset Corporation filed a Petition for Writ of Mandate related to the Board's rescission of the cleanup and abatement order. Judge Tranbarger issued a formal decision on March 8, 2004, denying Kwikset's petition for a Writ of Mandate. The judge granted Kwikset's motion to augment portions of the Administrative Record for the Kwikset case, but denied the Regional Board's petition to augment the Administrative Record.

U.S. Department of Defense/Army Corps of Engineers (former Rialto Ammunition Back-up Storage Point)

On February 26, 2004, The Corps submitted its "Final Report, Operational History 1941-1945, Rialto Ammunition Back-up Storage Point" to the Executive Officer. Some information about the operational history of the RASP site may have been withheld by the Corps as proprietary, pending resolution of a lawsuit that was filed by the City of Rialto against the U.S. Department of Defense and other suspected perchlorate dischargers.

At the April 30, 2004 Board meeting, staff will provide information on any further developments, and will continue to update the Board at future meetings on the progress of the perchlorate investigation efforts.